

Notice of Allowability

Application No.

10/643,937

Examiner

K. Cyrus Kianni

Applicant(s)

GASCA ET AL.

Art Unit

2883

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 8/20/03.
2. ☒ The allowed claim(s) is/are 1-15.
3. ☒ The drawings filed on 20 August 2003 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 10
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Reason for Allowance

1. Claims 1-15 are allowed for the following reasons:

The instant application is deemed to be directed to a nonobvious improvement over the invention patented in Pat. No. Hasegawa et al. (US 2002/0118938 ; also EP 1234806 A2). Note that EP 1234806 is supplied by the applicant as IDS containing a substantially similar disclosure as US 2002/0118938.

Claim 1 is allowed because the prior art of record, taken alone or in combination, fails to disclose or render obvious the step of producing inside said capillary tubes a self-cleaning layer including molecules able to react with hydroxyl molecules to produce volatile gaseous substances in combination with the rest of the limitations of the base claim. Claims 2-2-8 depend on claim 1 and therefore they are also allowed.

Claim 9 is allowed because the prior art of record, taken alone or in combination, fails to disclose or render obvious wherein a plurality of capillary tubes disposed around a central rod and including a self-cleaning layer including molecules able to react with hydroxyl molecules to produce volatile gaseous substances in combination with the rest of the limitations of the base claim. Claims 10-15 depend on claim 9 and therefore they are also allowed.

The novelty of the invention is related to the producing a self-cleaning layer inside or in vicinity of the capillary tubes as to react with hydroxyl molecules that produces volatile

gaseous substances. The reaction causes to eliminate the polluted substances such as hydroxyl group by a self-cleaning layer rather than—in comparison to prior art such as Hasegawa et al., above, or Paek et al. US 2001/0029756 and US 2004/0011082, or Beck et al. 5246647, or Oh et al. US 5702497--using cleaning agents to wash the capillary tubes or to supply gas having cleaning agents into capillary tubes which is more costly/expensive than having self-contained self-cleaning layer to perform the cleaning.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Citation of Relevant Prior Art

2. Prior art made of record and not relied upon is considered pertinent to applicant's disclosure. In accordance with MPEP 707.05 the following references are pertinent in rejection of this application since they provide substantially the same information disclosure as this patent does. These references are:

Paek et al. 2004/0011082

Paek et al. 6705126

Paek et al. 2001/0029756

Zeng et al. 2003/0159468

Beck et al. 5246647

Oh et al. 5702497

Oishi et al. JP402243532A

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These references are cited herein to show the relevance of the apparatus/methods taught within these references as prior art.

Contact Information

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to K. Cyrus Kianni whose telephone number is (571) 272-2417.

The examiner can normally be reached on Monday through Friday from 8:30 a.m. to 6:00 p.m. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frank Font, can be reached at (571) 272-2415.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 872-9306 (for formal communications intended for entry)

or:

Hand delivered responses should be brought to Crystal Plaza 4, 2021 South Clark Place, Arlington, VA., Fourth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application should be directed to the Group Receptionist whose telephone number is (703) 308-0956.



K. Cyrus Kianni
Patent Examiner
Group Art Unit 2883

December 23, 2004